

FILED
AUSTIN DIVISION
2005 JA - 6 PM 4:16
U.S. DISTRICT COURT
BY _____ CLERK

[illegible]

v.

CIVIL ACTION NO.
A04CA346SS

Defendants.

Defendants, JKJ Equipment Company, Inc. (“JKJ”) d/b/a Circus Chimera and James K. Judkins (“Judkins”) submit the following Designations pursuant to the Court’s September 23, 2004 Scheduling Order:

Defendant may call the following individuals to testify as witnesses.

- Defendants also reserve the right to call any of individuals Plaintiffs may designate as potential witnesses.

As discovery is ongoing and the discovery deadline in this lawsuit does not pass until March 22, 2005, Defendants reserve the right to supplement this list of potential witnesses as necessary.

B. Testifying Experts

Defendant does not expect to call any testifying experts. Defendants reserve the right to designate rebuttal experts within 15 days of receiving the report of any expert Plaintiffs may designate.

C. Proposed Exhibits

As discovery is ongoing in this lawsuit, Defendants have not identified all exhibits they may offer at trial. Defendants will supplement this designation and provide a list of proposed exhibits within a reasonable period following the completion of discovery.

Respectfully submitted,



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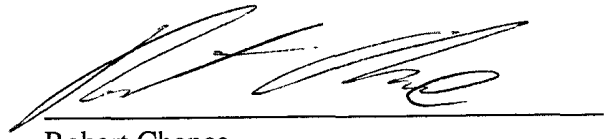
ATTORNEYS FOR THE HOME DEPOT U.S.A.,
INC.

CERTIFICATE OF SERVICE

This is to certify that on this day, January 6, 2005, a true and correct copy of the above Defendant's Designations was delivered via fax and certified mail, return receipt requested, to the following:

Edward Tuddenham, Esquire
1203 Newning Avenue
Austin, Texas 78704
512.443.4258 facsimile

William H. Beardall, Jr.
Equal Justice Center
510 South Congress Avenue, Suite 206
Austin, Texas 78704
512.474.0008 facsimile


Robert Chance